

REMARKS

This Amendment and Response to Final Office Action is being submitted in response to the final Office Action mailed April 9, 2008. Claims 1-21 are pending in the Application.

Claims 1-12, 15-16, and 19-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Challenger (U.S. Pat. Pub. 20030186679) in view of Zuk *et al.* (U.S. Pat. Pub. 20030154399).

Claims 13-14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Challenger in view of Zuk *et al.* as applied to Claim 1, and further in view of Won *et al.* (U.S. Pat. No. 6,754,488).

Claims 17-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Challenger in view of Zuk *et al.* as applied to Claim 1, and further in view of Ammon *et al.* (U.S. Pat. Pub. No. 2003017289).

In response to these rejections, Claims 1, 19, and 21 have been amended to further clarify the subject matter which Applicant regards as the invention, without prejudice or disclaimer to continued examination on the merits. These amendments are fully supported in the Specification, Drawings, and Claims of the Application and no new matter has been added. Based upon the amendments and the arguments presented herein, reconsideration of the Application is respectfully requested.

Claims 1-12, 15-16, and 19-21 - §103(a) Rejection – Challenger and Zuk *et al.*

Claims 1-12, 15-16, and 19-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Challenger (U.S. Pat. Pub. 20030186679) in view of Zuk *et al.* (U.S. Pat. Pub. 20030154399).

Examiner states that Zuk *et al.* teaches security policy.¹ Applicants respectfully submit this is not wireless policy as recited in the claims, i.e. “wherein the policy deviation-based tests comprise a deviation from a set of one or more wireless policy settings comprising wireless channel settings, authentication settings, encryption settings, SSID broadcast settings, and rate settings.” Rather, Zuk *et al.* teach wired security policy.² Zuk *et al.* do not teach one or more wireless policy settings comprising wireless channel settings, authentication settings, encryption settings, SSID broadcast settings, and rate settings.

Additionally, Examiner states the limitation of “the policy deviation-based tests ensure the wireless device is complying with the one or more wireless policy settings” is not recited in the claims. Accordingly, Applicants have amendment Claims 1, 19, and 21 to include this limitation.

Next, Examiner states Zuk *et al.* teach network statistics as recited by Applicants. Applicants respectfully disagree. Applicants utilize wireless statistics in the dynamic operational and security assessments. Zuk *et al.* is a wired intrusion detection-based system, and does not teach or suggest wireless statistics as recited by Applicants.

Additionally, Examiner states the limitation of “the wireless statistics enable the dynamic operational and security assessments to detect both unauthorized wireless devices and authorized wireless devices which are displaying anomalous behavior” is not recited in the claims. Accordingly, Applicants have amendment Claims 1, 19, and 21 to include this limitation.

Applicants respectfully submit the combination of Challenger and Zuk *et al.* does not teach, suggest, or disclose identifying a wireless device for tracking based upon the criteria disclosed by the Applicant. First, as previously discussed, Challenger *et al.* only discloses identifying rogue or unauthorized wireless access points utilizing a list of

¹ Final OA, Response to Arguments, p. 2

² U.S. Patent Pub. No. US2003/0154399, Paragraphs [0015] and [0055]

authorized access points.³ The determination of a rogue or unauthorized access point by Challenger *et al.* is based on a comparison with the list. This is not dynamically-based using the dynamic operational and security assessments disclosed by Applicant.

Zuk *et al.* relates to a wired network intrusion detection system, and fails to teach, suggest, or disclose the wireless-based intrusion detection techniques of the Applicant, such as the wireless signature-based tests, wireless protocol-based tests, wireless anomaly-based tests, and wireless policy deviation-based tests. Specifically, Applicant's policy deviation-based tests can be utilized to ensure the wireless device is complying with predetermined wireless policy.

Additionally, Challenger and Zuk *et al.* do not teach, suggest, or disclose utilizing received data to update wireless statistics used in the dynamic operational and security assessments. Applicant respectfully notes that Challenger only teaches maintaining a list of pre-authorized access points, and does not keep statistics to update the list. Further, Zuk *et al.* does not teach, suggest, or disclose maintaining wireless statistics for use in dynamic operational and security assessments. These wireless statistics enable the assessments to dynamically detect both unauthorized devices and authorized wireless devices which are displaying anomalous behavior. The combinations of Challenger and Zuk *et al.* does not disclose, suggest, or teach detecting both unauthorized devices and authorized wireless devices which are displaying anomalous behavior. Applicant has also included this limitation in independent Claims 1, 19, and 21.

Accordingly, Applicant respectfully submits the rejection of Claims 1-12, 15-16, and 19-21 under 35 U.S.C. §103(a) as being unpatentable over Challenger and Zuk *et al.* has been traversed, and respectfully requests withdrawal.

³ U.S. Patent Pub. No. US2003/0186679, Paragraphs [0026] and [0027]

Claims 13-14 - §103(a) Rejection – Challenger, Zuk *et al.*, and Won *et al.*

Claims 13-14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Challenger in view of Zuk *et al.* as applied to Claim 1, and further in view of Won *et al.* (U.S. Pat. No. 6,754,488). The amendments and remarks with regard to Claim 1 apply with equal force here. Therefore, Applicant respectfully requests withdrawal of this rejection.

Claims 17-18 - §103(a) Rejection – Challenger, Zuk *et al.*, and Ammon *et al.*

Claims 17-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Challenger in view of Zuk *et al.* as applied to Claim 1, and further in view of Ammon *et al.* (U.S. Pat. Pub. No. 2003017289). The amendments and remarks with regard to Claim 1 apply with equal force here. Therefore, Applicant respectfully requests withdrawal of this rejection.

CONCLUSION

Applicant would like to thank Examiner for the attention and consideration accorded the present Application. Should Examiner determine that any further action is necessary to place the Application in condition for allowance, Examiner is encouraged to contact undersigned Counsel at the telephone number, facsimile number, address, or email address provided below. It is not believed that any fees for additional claims, extensions of time, or the like are required beyond those that may otherwise be indicated in the documents accompanying this paper. However, if such additional fees are required, Examiner is encouraged to notify undersigned Counsel at Examiner's earliest convenience.

Respectfully submitted,

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